

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 573 Water Protection and Sustainability
SPONSOR(S): Burton
TIED BILLS: **IDEN./SIM. BILLS:** SB 928

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Natural Resources & Public Lands Subcommittee		Moore	Shugar
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

Counties, municipalities, or special districts may enter into interlocal agreements to create a regional water supply authority (RWSA) for the purpose of developing, recovering, storing, and supplying water for county or municipal purposes that will give priority to reducing adverse environmental effects of excessive or improper withdrawals of water from concentrated areas. In June 2016, Polk County and 15 municipalities entered into an interlocal agreement to create a RWSA known as the Polk County Regional Water Cooperative (cooperative).

The bill creates the “Heartland Headwaters Protection and Sustainability Act” and:

- Recognizes the 1979 designation of the Green Swamp area of critical state concern for its regional and statewide importance in maintaining the quality and quantity of water supply and resources of the Floridan aquifer system.
- Finds the headwaters of the Alafia, the Hillsborough, the Ocklawaha, the Peace, and the Withlacoochee rivers are located in the Green Swamp area and Polk County (headwaters).
- Finds the surface water and groundwater resources in the heartland counties of Hardee, Highlands, and Polk are integral to the health, public safety, and economic future of those regions.
- Finds the Green Swamp and surrounding areas to be economically, environmentally, and socially defined by some of the most important and vulnerable water resources of the state.
- Recognizes the surface water and groundwater resources in the heartland counties of Hardee, Highlands, and Polk are integral to the health, public safety, and economic future of those regions.
- Declares an important state interest in partnering with RWSAs and local governments to protect the water resources of the headwaters and surrounding areas.
- Declares that priority funding consideration must be given to solutions to manage the water resources of these headwaters and the local Floridan aquifer system.
- Finds the cooperative was formed to protect the water resources of the headwaters and surrounding areas, is in the public interest and complies with the intent and purposes of water supply policy.
- Exempts the cooperative from having the Secretary of the Department of Environmental Protection (DEP) approve the cooperative’s interlocal agreement.

The bill also:

- Requires the cooperative to prepare an annual report identifying water resource projects within its jurisdiction for priority state funding, identify information to be included for each listed project, and requires the cooperative to coordinate with the appropriate water management district (WMD) to ensure the annual report is included in the WMD consolidated annual report.
- Expands entities authorized to expend local government infrastructure surtaxes to include a RWSA, whose purpose is to develop, recover, store, and supply water, if the county is a member of the entity.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0573.NRPL

DATE: 3/10/2017

- Appropriates \$XX million annually to the DEP for projects identified for priority state funding in the cooperative's annual report for the 2017-2018 fiscal year through the 2036-2037 fiscal year.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Water Supply Planning

Present Situation

The Floridan Aquifer

The Floridan aquifer is one of the most productive aquifers in the world, underling approximately 100,000 square miles in southern Alabama, southeastern Georgia, southern South Carolina, and all of Florida. It is a multiple-use aquifer system. Where it contains freshwater, it is the principal source of water supply for several large cities (e.g., Savannah and Brunswick in Georgia; Jacksonville, Tallahassee, Orlando, and St. Petersburg in Florida) and for hundreds of thousands in smaller communities and rural areas.¹

In places where the Floridan contains saltwater (e.g., along the southeastern coast of Florida), treated sewage and industrial wastes are often injected into it as a disposal method. Near Orlando, drainage wells divert surface water runoff into the Floridan. South of Lake Okeechobee, where the aquifer contains saltwater, some is withdrawn for cooling purposes or converted to freshwater by desalinization plants. Desalinization is especially important in the Florida Keys, where freshwater is only available to the area by a pipeline.²

Regional Water Supply Planning

In 1998, each of Florida's five water management districts (WMD) prepared water supply assessments to determine the existing and future water needs of the state and evaluated the adequacy of existing and potential sources to meet reasonable-beneficial needs and sustain natural systems for the following 20 year period. At that time, four of the five WMDs determined that sources were inadequate to meet future needs while sustaining the natural resources and were required to prepare a regional water supply plan (RWSP).³

By the end of 2015, the South Florida WMD, the St. Johns River WMD, and the Southwest Florida WMD had developed RWSPs for all regions within their districts and were working on their next five-year updates. The Northwest Florida WMD currently has two RWSPs. Additionally, in areas where groundwater basins are shared between WMDs, inter-district water supply planning efforts are developed, such as the Central Florida Water Initiative (CFWI) and the North Florida Regional Water supply Partnership involving the Suwannee River WMD and the St. Johns River WMD.⁴

¹ USGS. *Floridan Aquifer System*, https://pubs.usgs.gov/ha/ha730/ch_g/G-text6.html (last visited Mar. 2, 2017).

² *Id.*

³ s. 373.709(1), F.S.; DEP. *Regional Water Supply Planning*, <http://www.dep.state.fl.us/water/waterpolicy/rwsp.htm> (last visited Mar. 5, 2017).

⁴ DEP. *Regional Water Supply Planning Fact Sheet*, <http://www.dep.state.fl.us/water/waterpolicy/docs/factsheets/wrfss-regional-water-supply-planning.pdf> (last visited Mar. 5, 2017).

Regional water supply planning must be conducted in an open public process, in coordination and cooperation with local governments, regional water supply authorities,⁵ government-owned and privately owned water and wastewater utilities, multijurisdictional water supply entities, self-suppliers, reuse utilities, the Department of Environmental Protection (DEP), the Department of Agriculture and Consumer Services (DACS), and other affected and interested parties.⁶ It is based on a 20 year planning period and includes a water supply development component (e.g., further development of fresh ground water and surface water, demineralization of brackish ground water, desalination of seawater, reuse of reclaimed water, water conservation) and a water resource development component (e.g., increasing water storage capabilities through surface reservoirs, aquifer storage and recovery) that could meet the projected reasonable-beneficial needs.⁷

Heartland Water Supply Planning Region

The Heartland water supply planning region covers approximately 2,569 square miles and includes Hardee County and the portions of Polk and Highlands counties within the Southwest Florida WMD.⁸ The remaining portions of Polk and Highlands counties are within the South Florida WMD and are in separate water supply planning regions, the Upper Kissimmee and Lower Kissimmee, respectively.⁹

The Central Florida Water Initiative

The CFWI is a collaborative process involving the DEP, the St. Johns River WMD, the South Florida WMD, the Southwest Florida WMD, the DACS, regional public water supply utilities, and other stakeholders to address the current and long-term water supply needs of central Florida without causing harm to the water resources and associated natural systems.¹⁰ The CFWI area includes all of Orange, Osceola, Polk, and Seminole counties, and southern Lake County.¹¹ The area covers approximately 5,300 square miles and encompasses:

- The headwaters for seven river systems:
 - The Alafia, located in Polk County;¹²
 - The Hillsborough, located in the Green Swamp in southeast Pasco County;¹³
 - The Kissimmee, located in Osceola County;
 - The Ocklawaha, located in the Green Swamp near Lake Apopka, in Orange County;¹⁴
 - The Peace, located in the Green Swamp in northern Polk County;¹⁵
 - The St. Johns, located in Indian River and Brevard counties;¹⁶
 - The Withlacoochee, located in the Green Swamp in northwestern Polk and southern Sumter counties.¹⁷

⁵ A regional water supply authority is created pursuant to s. 373.713, F.S.; It can be an “agency” under ch. 120, F.S.; *see* s. 120.52(1), F.S.; A “governmental authority” under ch. 367, F.S.; *see* s. 367.021(7), F.S.

⁶ s. 373.709(1), F.S.; s. 373.036(2), F.S.

⁷ s. 373.709(2), F.S.; DEP. *Regional Water Supply Planning*, <http://www.dep.state.fl.us/water/waterpolicy/rwsp.htm> (last visited Mar. 5, 2017).

⁸ Southwest Florida WMD. *Regional Water Supply Plan*, <https://www.swfwmd.state.fl.us/documents/plans/RWSP/heartland.php> (last visited Mar. 6, 2017).

⁹ Southwest Florida WMD. *Florida’s Water Management Districts*, <http://www.swfwmd.state.fl.us/about/wmds.php> (last visited Mar. 5, 2017).

¹⁰ s. 373.0465(1)(c), F.S.; CFWI. *Central Florida Water Initiative Guiding Document* (January 2015), http://cfwiwater.com/pdfs/CFWI_Guiding_Document_2015-01-30.pdf (last visited Mar. 3, 2017).

¹¹ s. 373.0465(2)(a), F.S.; CFWI. *Central Florida Water Initiative Guiding Document* (January 2015), http://cfwiwater.com/pdfs/CFWI_Guiding_Document_2015-01-30.pdf (last visited Mar. 3, 2017).

¹² *See infra* n. 48 and accompanying text.

¹³ Southwest Florida WMD. *Green Swamp Interactive*, <https://www.swfwmd.state.fl.us/education/interactive/greenswamp/rivers.html> (last visited Mar. 8, 2017).

¹⁴ *Id.*

¹⁵ Southwest Florida WMD. *The Peace River*, <http://www.swfwmd.state.fl.us/education/interactive/peacriver/natural.php>; Southwest Florida WMD. *Green Swamp Interactive*, <https://www.swfwmd.state.fl.us/education/interactive/greenswamp/rivers.html> (last visited Mar. 8, 2017).

¹⁶ St. Johns River WMD. *Upper St. Johns River Basin*, <http://www.sjrwm.com/upperstjohnsriver/> (last visited Mar. 8, 2017).

- Four distinct groundwater basins (GWB): the Northern West-Central Florida GWB, Volusia GWB, East-Central Florida GWB, and West-Central GWB. These GWBs meet in north-central Polk County, and in general this location represents an important area of recharge with groundwater flow radiating out in all directions.
- Approximately 1,200 square miles or 782,000 acres of wetlands.
- Approximately 475 square miles or 300,300 acres of open water bodies.
- Seven regional wetlands systems: the Green Swamp, Reedy Creek Swamp, Davenport Creek Swamp, Big Bend Swamp, Cat Island Swamp, Boggy Creek Swamp, and Shingle Creek Swamp.
- 16 first, second, and third magnitude springs.¹⁸

Areas that appear to be more susceptible to the effects of ground water withdrawals include the Wekiva Springs/River System, western Seminole County and western Orange County, southern Lake County, the Lake Wales Ridge, and the Southern Water Use Caution Area (SWUCA) in Polk County. The Southwest Florida WMD has already adopted rules for the SWUCA that are as restrictive, if not more restrictive, than those in the CFWI. Since portions of Polk County are in both areas, only the portion of Polk County that is outside the SWUCA is subject to the CFWI rules.¹⁹

The Southern Water Use Caution Area

The SWUCA was established in 1992, by the Southwest Florida WMD, in response to growing water demands from public supply, agriculture, mining, power generation and recreational uses and environmental concerns related to these ground water withdrawals.²⁰ It is an area of approximately 5,100 square miles in the Southern West-Central GWB that includes all of Desoto, Hardee, Manatee, and Sarasota counties and parts of Charlotte, Highlands, Hillsborough, and Polk counties.²¹

In 2006, the Southwest Florida WMD adopted the SWUCA Recovery Strategy²² that has four main goals:

- Achieve minimum flows in the upper Peace River;
- Achieve minimum lake levels in lakes along the Lake Wales Ridge, which extends roughly 90 miles along the center of the state in Polk and Highlands counties;
- Achieve the saltwater intrusion minimum aquifer level; and
- Ensure water supply needs are met for existing and projected reasonable and beneficial uses.²³

Although groundwater withdrawals have since stabilized in the SWUCA, and water supply needs for the region are being met through the planning period as a result of regional water supply planning and management efforts, depressed aquifer levels continue to cause saltwater intrusion into the Floridan aquifer and also contribute to reduced flows in the upper Peace River and lowered lake levels of some

¹⁷ Southwest Florida WMD. *Green Swamp Interactive*, <https://www.swfwmd.state.fl.us/education/interactive/greenswamp/rivers.html> (last visited Mar. 8, 2017).

¹⁸ CFWI. *Central Florida Water Initiative Regional Water Supply Plan Public Draft*, http://cfwiwater.com/pdfs/plans/CFWI_RWSP_DrftPblc2_VolIa_5-1-15.pdf (last visited Mar. 3, 2017).

¹⁹ *Id.*

²⁰ s. 373.0363(2)(a), F.S.; Southwest Florida WMD. *Southern Water Use Caution Area*, <https://www.swfwmd.state.fl.us/projects/swuca/> (last visited Mar. 6, 2017); Southwest Florida WMD. *Southern Water Use Caution Area Recovery Strategy* (March 2006), https://www.swfwmd.state.fl.us/documents/plans/swuca_recovery_strategy.pdf (last visited Mar. 3, 2017).

²¹ s. 373.0363(1)(c), F.S.; SWFWMD. *Southern Water Use Caution Area Recovery Strategy* (March 2006), https://www.swfwmd.state.fl.us/documents/plans/swuca_recovery_strategy.pdf (last visited Mar. 3, 2017).

²² The “Southern Water Use Caution Area Recovery Strategy” is the district’s planning, regulatory, and financial strategy for ensuring that adequate water supplies are available to meet growing demands while protecting and restoring the water and related natural resources of the area; s. 373.0363(1)(d), F.S.

²³ <https://www.swfwmd.state.fl.us/projects/swuca/>

of the lakes in the upland areas of Polk and Highlands counties.²⁴ The Southwest Florida WMD has formed two separate stakeholder workgroups to assist in identifying additional options for achieving these goals.²⁵

Consolidated Water Management District Annual Report

Present Situation

Each year each WMD must prepare and submit to the DEP, the Governor, the President of the Senate, and the Speaker of the House of Representatives a consolidated WMD annual report on the management of water resources. Also, they must provide copies to all legislative committee chairs having substantive or fiscal jurisdiction over the WMDs and the governing board of each county in the WMD having jurisdiction or deriving any funds for operations of the WMD. Copies must also be available to the public, either in printed or electronic format.²⁶

Among other requirements, the report must contain information on all projects related to water quality or water quantity as part of a 5-year work program, including:

- A list of all specific projects identified to implement a basin management action plan or a recovery or prevention strategy;
- A priority ranking for each listed project for which state funding through the water resources development work program is requested, which must be made available to the public for comment at least 30 days before submission of the consolidated annual report;
- The estimated cost for each listed project;
- The estimated completion date for each listed project;
- The source and amount of financial assistance to be made available by the DEP, a WMD, or other entity for each listed project; and
- A quantitative estimate of each listed project's benefit to the watershed, water body, or water segment in which it is located.²⁷

Regional Water Supply Authorities

Present Situation

Counties, municipalities, or special districts may enter into interlocal agreements to create a regional water supply authority (RWSA) for the purpose of developing, recovering, storing, and supplying water for county or municipal purposes that will give priority to reducing adverse environmental effects of excessive or improper withdrawals of water from concentrated areas. These agreements must be approved by the Secretary of the DEP to ensure that the agreement will be in the public interest and complies with the intent and purposes of the Florida Interlocal Cooperation Act.²⁸

In approving such an agreement, the Secretary of the DEP must consider, but is not limited to, the following:

- Whether the geographic territory of the proposed authority is of sufficient size and character to reduce the environmental effects of improper or excessive withdrawals of water from concentrated areas.

²⁴ s. 373.0363(2)(b), F.S.; Southwest Florida WMD. *Southern Water Use Caution Area Recovery Strategy* (March 2006), https://www.swfwmd.state.fl.us/documents/plans/swuca_recovery_strategy.pdf (last visited Mar. 3, 2017); CFWI. *Central Florida Water Initiative Regional Water Supply Plan Public Draft*, http://cfwiwater.com/pdfs/plans/CFWI_RWSP_DrftPblc2_VolIa_5-1-15.pdf (last visited Mar. 3, 2017).

²⁵ Southwest Florida WMD. *Southern Water Use Caution Area*, <https://www.swfwmd.state.fl.us/projects/swuca/> (last visited Mar. 6, 2017).

²⁶ s. 373.036(7)(a), F.S.

²⁷ s. 373.036(7)(b)8.a.-f., F.S.

²⁸ ss. 373.713(1), F.S., and 163.01, F.S.

- The maximization of economic development of the water resources within the territory of the proposed authority.
- The availability of a dependable and adequate water supply.
- The ability of any proposed authority to design, construct, operate, and maintain water supply facilities in the locations, and at the times necessary, to ensure that an adequate water supply will be available within the authority.
- The effect or impact of any proposed authority on any municipality, county, or existing authority or authorities.²⁹

Currently, there are four RWSAs: Tampa Bay Water (formerly known as the West Coast RWSA), Peace River/Manasota RWSA, Withlacoochee RWSA, and Walton/Okaloosa/Santa Rosa Regional Utility Authority.³⁰

Polk County Regional Water Cooperative

In June 2016, Polk County and 15 municipalities within Polk County³¹ entered into an interlocal agreement to create a RWSA known as the Polk County Regional Water Cooperative (cooperative).³² The role of the cooperative is to proactively identify alternative water resources and projects that ensure the future sustainability of the regional water supply. The cooperative will specifically identify sustainable groundwater sources, develop strategies that meet water demands, determine needed infrastructure, and establish consistent rules.³³

The Green Swamp

Present Situation

The Green Swamp includes portions of Polk, Lake, Sumter, Hernando and Pasco counties. The region consists of 560,000 acres of wetlands, flatlands and low ridges bound by prominent sandy ridgelines that form the headwaters of the Withlacoochee,³⁴ the Ocklawaha,³⁵ the Hillsborough³⁶ and the Peace rivers.³⁷ The Peace and Hillsborough rivers are potable water sources for Tampa and Sarasota. The Ocklawaha, Withlacoochee and Hillsborough rivers are designated Outstanding Florida Waters.³⁸

The Green Swamp is elevated above outlying areas and the Floridan aquifer rises very close to the land surface, which causes the region to function as the pressure head for the aquifer, helping maintain free-flowing springs, rivers, and abundant high quality drinking water. Accordingly, protecting the Green Swamp is vital to protecting the quality and quantity of Florida's water supply. In recognizing the statewide significance of this area's valuable hydrologic functions, second only to that of the

²⁹ s. 373.713(1)(a)-(f), F.S.

³⁰ DEO. *Water Supply Planning*, <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/water-supply-planning> (last visited Mar. 5, 2017).

³¹ The City of Auburndale; City of Bartow; City of Davenport; Town of Dundee; City of Eagle Lake; City of Fort Meade; City of Frostproof; Haines City; City of Lake Alfred; Town of Lake Hampton; City of Lakeland; City of Lake Wales; City of Mulberry; Polk City; and City of Winter Haven; Polk Regional Water Cooperative. *Members*, <http://www.prwcwater.org/Members.aspx> (last visited Mar. 3, 2017).

³² Polk Regional Water Cooperative. *Interlocal Agreement Relating to the Establishment of the Polk Regional Water Cooperative*, <http://www.prwcwater.org/boccsite/WorkArea/DownloadAsset.aspx?id=11306> (last visited Mar. 3, 2017).

³³ Polk Regional Water Cooperative. *Homepage* <http://www.prwcwater.org/> (last visited Mar. 3, 2017).

³⁴ See *supra* n. 17 and accompanying text.

³⁵ See *supra* n. 14 and accompanying text.

³⁶ See *supra* n. 13 and accompanying text.

³⁷ See *supra* n. 15 and accompanying text.

³⁸ DEO. *Green Swamp Area*, <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern/the-green-swamp> (last visited Mar. 2, 2017); "Outstanding Florida Waters" are waters designated by the Environmental Regulation Commission as being worthy of special protection because of their natural attributes; r. 62-302.200(26), F.A.C.

Everglades, and the need to specifically regulate encroaching development that would imperil these functions, the state in 1979, designated 322,690 acres of the Green Swamp as an area of critical state concern.³⁹ The designated area is located in northern Polk and southern Lake counties.⁴⁰

Areas of Critical State Concern

The Governor and Cabinet, sitting as the Administration Commission,⁴¹ are authorized to designate certain areas within the state that contain resources of statewide significance as areas of critical state concern.⁴² An area of critical state concern may only be designated for an area:

- Containing, or having a significant impact upon, environmental or natural resources of regional or statewide importance, including, state or federal parks, forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers and estuaries, state environmentally endangered lands, Outstanding Florida Waters,⁴³ and aquifer recharge areas, where uncontrolled development would cause substantial deterioration of such resources;
- Containing, or having a significant impact upon, historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, where development would cause substantial deterioration or complete loss of such resources, sites, or districts; or
- Having a significant impact upon, or being significantly impacted by, an existing or proposed major public facility or other area of major public investment including, highways, ports, airports, energy facilities, and water management projects.⁴⁴

In addition to the Green Swamp Area, the Big Cypress Area,⁴⁵ the Florida Keys Area, the City of Key West Area,⁴⁶ and the Apalachicola Bay Area⁴⁷ are areas of critical state concern.

The Alafia River

Present Situation

The Alafia River consists of two major branches, the North Prong and the South Prong, which originate in western Polk County and converge in eastern Hillsborough County to form the river.⁴⁸ The Alafia River now contributes the largest outflow of any river to Tampa Bay. The Hillsborough River was Tampa Bay's biggest freshwater contributor, but a prolonged drought, coupled with Tampa's water needs, has placed heavy demands on the Hillsborough River and its watershed.⁴⁹

Effect of Proposed Changes

The bill creates the "Heartland Headwaters Protection and Sustainability Act."

³⁹ s. 380.0551, F.S.; Southwest Florida WMD. *Green Swamp Wilderness Preserve*, <http://www.swfwmd.state.fl.us/recreation/areas/greenswamp.html> (last visited Mar. 2, 2017); DEO. *Green Swamp Area*, <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern/the-green-swamp> (last visited Mar. 2, 2017); Southwest Florida WMD *Green Swamp Interactive*, <https://www.swfwmd.state.fl.us/education/interactive/greenswamp/textonly.html> (last visited Mar. 2, 2017).

⁴⁰ DEO. *Green Swamp Area*, <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern/the-green-swamp> (last visited Mar. 2, 2017).

⁴¹ See ss. 380.031(1) and 14.202, F.S.

⁴² s. 380.05, F.S.

⁴³ "Outstanding Florida Waters" means waters designated by the Environmental Regulation Commission as worthy of special protection because of their natural attributes; r. 62-302.200(26), F.A.C.

⁴⁴ s. 380.05(2)(a)-(c), F.S.

⁴⁵ s. 380.055, F.S.

⁴⁶ s. 380.0552, F.S.

⁴⁷ s. 380.0555, F.S.

⁴⁸ USGS. Gerold Morrison and Holly Greening, *Freshwater Flows* ch. 6, p. 169, <https://pubs.usgs.gov/circ/1348/pdf/> (Jan. 2012) (last visited Mar. 6, 2017).

⁴⁹ Southwest Florida WMD. *Alafia River Watershed Excursion*, <http://www.swfwmd.state.fl.us/education/watersheds/afia/geology> (last visited Mar. 2, 2017).

The bill creates section 373.462, F.S., detailing legislative findings and intent, as follows:

- The Legislature recognizes that by law in 1979, the Green Swamp Area was designated as an area of critical state concern in acknowledgment of its regional and statewide importance in maintaining the quality and quantity of Florida's water supply and water resources for the public and the environment. This area, which is 560,000 acres in size, includes the City of Bartow and the Lake Wales, Winter Haven, and Lakeland sandy ridge area in Polk County. The Green Swamp Area is located in a regionally significant high recharge area of the Floridan aquifer system and helps protect coastal communities from saltwater intrusion.
- The Legislature finds that the headwaters of five major river systems in the state including the Alafia, Hillsborough, Ocklawaha, Peace, and Withlacoochee rivers are located in the Green Swamp Area and Polk County. In addition, due to the area's unique topography and geology in which it receives no other water inputs other than rainfall, the area is essential in maintaining the potentiometric head of the Floridan aquifer system that directly influences the aquifer's productivity for water supply in 32 counties including Alachua, Broward, Charlotte, Citrus, Clay, Collier, DeSoto, Duval, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Lake, Lee, Levy, Manatee, Marion, Martin, Miami-Dade, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Polk, Putnam, Sarasota, St. Johns, and Sumter.
- The Legislature also finds that the Green Swamp Area and the surrounding areas are economically, environmentally, and socially defined by some of the most important and vulnerable water resources in the state. In addition, the Legislature recognizes that the CFWI Guiding Document dated January 30, 2015, and the SWUCA Recovery Strategy dated March 2006 recognized the fact that the surface water and groundwater resources in the heartland counties of Hardee, Highlands, and Polk are integral to the health, public safety, and economic future of those regions.
- The Legislature declares that there is an important state interest in partnering with regional water supply authorities and local governments to protect the water resources of the headwaters of the Alafia, Hillsborough, Ocklawaha, Peace, and Withlacoochee rivers and the surrounding areas. The Legislature further declares that priority funding consideration must be given to solutions to manage the water resources of these headwaters and the local Floridan aquifer system in the most efficient, cost effective, and environmentally beneficial way.
- The Legislature finds that the Polk Regional Water Cooperative, created by interlocal agreement to protect the water resources of the headwaters of the Alafia, Hillsborough, Ocklawaha, Peace, and Withlacoochee rivers and the surrounding area, is in the public interest and complies with the intent and purposes of water supply policy, planning, production and funding. Therefore, the Secretary of the DEP is not required to approve this interlocal agreement.

The bill also creates section 373.463, F.S., regarding a heartland headwaters annual report, as follows:

- The Polk Regional Water Cooperative, in coordination with all of its member county and municipal governments, must prepare a comprehensive annual report for water resource projects identified for priority state funding within its members' jurisdictions. The report must include, at a minimum:
 - A list of projects identified by the cooperative for priority state funding for each of the following categories: drinking water supply, wastewater, stormwater and flood control, environmental restoration, and conservation. A project may be listed in more than one category.
 - A priority ranking for each listed project that will be ready to proceed in the upcoming fiscal year within each category.
 - The estimated cost of each listed project.
 - The estimated completion date of each listed project.
 - The source and amount of financial assistance to be provided by the cooperative, the member county or municipal governments, or other entity for each listed project.
- The cooperative must coordinate with the appropriate WMD to ensure that the report is included in the consolidated WMD annual report.

The bill also provides that beginning in the 2017-2018 fiscal year and ending in the 2036-2037 fiscal year, \$XX million is to be appropriated annually to the DEP to be distributed for projects identified for priority state funding in the heartland headwaters annual report.

Local Government Infrastructure Surtax

Present Situation

A county may levy a discretionary sales surtax of 0.5 percent or 1 percent pursuant to ordinance enacted by a majority of the members of the county governing authority and approved by a majority of the electors of the county voting in a referendum on the surtax. If municipalities representing a majority of the county's population adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, the levy of the surtax must be placed on the ballot and will take effect if approved by a majority of the electors of the county voting in the referendum on the surtax.⁵⁰ Surtax proceeds and any accrued interest must be expended by the school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county.⁵¹

Effect of Proposed Changes

The bill amends section 212.055(2)(d), F.S., expanding the entities that are authorized to expend local government infrastructure surtaxes to include a RWSA, whose purpose is to develop, recover, store, and supply water, if the county is a member of that entity.

B. SECTION DIRECTORY:

- Section 1. Creates the "Heartland Headwaters Protection and Sustainability Act."
- Section 2. Creates s. 373.462, F.S., establishing legislative findings and intent.
- Section 3. Creates s. 373.463, F.S., establishing a heartland headwaters annual report.
- Section 4. Amends s. 212.055(2), F.S., regarding the local infrastructure surtax.
- Section 5. Provides for an annual appropriation.
- Section 6. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill requires that beginning in the 2017-2018 fiscal year and ending in the 2036-2037 fiscal year, \$XX million is to be appropriated annually to the DEP to be distributed for projects identified for priority state funding in the heartland headwaters annual report.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

⁵⁰ s. 212.055(2)(a)1., F.S.

⁵¹ s. 212.055(2)(d), F.S.

1. Revenues:

The bill requires that beginning in the 2017-2018 fiscal year and ending in the 2036-2037 fiscal year, \$XX million is to be appropriated annually to the DEP to be distributed for projects identified for priority state funding in the heartland headwaters annual report. Accordingly, the bill may have a positive fiscal impact on the cooperative if awarded state funding for projects identified for priority state funding in the heartland headwaters annual report.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

On lines 28-35, the Green Swamp is approximately 560,000 acres in size, of that 322,690 are designated as an area of critical state concern.

On lines 39-42, while the Green Swamp encompasses the headwaters of the Hillsborough, the Ocklawaha, the Peace, and the Withlacoochee rivers, not all of these headwaters are also within Polk County. For instance, the headwaters of the Hillsborough River are in Pasco County and those of the Ocklawaha River are in Orange County. Additionally, the headwaters of the Alafia River are in Polk County, but are not located within the Green Swamp region.

On lines 80-81, there is strikethrough language that is also referenced as underlined new language.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.